

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JOHN CARTER,)
Petitioner)
vs.) Civil Action No. 05-1078
DONALD L. KELCHNER,) Judge Terrence F. McVerry/
Respondent) Magistrate Judge Amy Reynolds Hay

ORDER

AND NOW, this 12th day of December, 2006, after the petitioner, John Carter, filed an action in the above-captioned case, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and objections having been filed by petitioner, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus is denied as untimely;

IT IS FURTHER ORDERED that a Certificate of Appealability is denied.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the petitioner desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.

BY THE COURT:

s/ Terrence F. McVerry
United States District Judge

cc: Honorable Amy Reynolds Hay
United States Magistrate Judge

John Carter
DD-1814
SCI Camp Hill
P.O. Box 200
Camp Hill, PA 17001

Ronald M. Wabby, Jr.
Email: ron.wabby@da.allegeny.pa.us